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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,245	10/11/2000	David Wayne Kelleher	G&C 139.142-US-U1	7831

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EXAMINER
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IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/689,245	KELLEHER, DAVID WAYNE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,3,5-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase " the telemetry" on page 2, line 7 of the claim lacks sufficient antecedent basis because it appears that the phrase ' the telemetry' should be 'the telemetry message'.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamany et al (20020173306) further in view of Aravamudan et al (6301609).

5. Regarding claim 1 Adamany et al teaches a method for enabling cellular instant messaging comprising (figs. 1-2):

receiving, in a cellular phone's home cellular network (12), telemetry message (registration message) from a foreign cellular network (14) (para # 0038):

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the telemetry message was originally transmitted from a first cellular phone to the foreign cellular network (para # 0034, 0038);

the telemetry comprises an indication that the first cellular phone has been power on (para # 0038, 42-43); and

the telemetry message comprises a remote feature activation message is interpreted by the foreign cellular network as a roaming cellular phone desiring to activate/deactivate a feature (para # 0038, 42-43);

in response to the home cellular network receiving the telemetry message, storing information regarding the first cellular phone in an instant messaging database (HLR 16), wherein the information comprises a list (para # 0038, 42-43). Adamany et al does not specifically teach transmitting a browser alert to one or more relevant buddies identified in the buddy list.

In an analogous art, Aravamudan et al teaches transmitting a browser alert to one or more relevant buddies identified in the buddy list (col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to

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access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to user can maintain control his online presence and activities, enabling the associate with directly interface with the user when the user is online as taught by Aravamudan et al.

Regarding claim 11 Adamany et al teaches a method for enabling cellular instant messaging comprising (figs. 1-5):

transmitting, from a first cellular phone to foreign cellular network, a telemetry message (para # 0038, 42-43), wherein:

the telemetry message comprises an indication that the first cellular phone has been powered on (para # 0038, 42-43); and

the telemetry message comprises a remote feature activation message wherein the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature, and wherein the foreign cellular network forwards the telemetry message to the cellular phone's cellular network (para # 0038, 42-43). Adamany et al does not specifically teach receiving a browser

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alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone.

In an analogous art, Aravamudan et al teaches receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to user can

maintain control his online presence and activities, enabling the associate with directly interface with the user when the user is online as taught by Aravamudan et al.

Regarding claim 15 Adamany et al teaches a system for enabling cellular instant messaging comprising (figs. 1-5):

a home cellular network (14); a home cellular network(12);

and

a server on the cellular network, configured to:

receive a telemetry message comprising a remote feature activation message from the foreign cellular network, wherein the telemetry message was originally transmitted from the first cellular phone wherein telemetry message indicates that the first cellular phone has been powered on and wherein the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature (para # 0038, 42-43). Adamany et al does not specifically teach transmit a browser alert to one or more relevant buddies identified in the buddy list.

In an analogous art, Aravamudan et al teaches transmit a browser alert to one or more relevant buddies identified in the buddy list (col. 7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is



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online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to user can maintain control his online presence and activities, enabling the associate with directly interface with the user when the user is online as taught by Aravamudan et al.

As to claim 25 it is considered the claim is rejected for the same reason as set forth in claim 1.

As to claim 29 it is considered the claim is rejected for the same reason as set forth in claim 11.

As to claim 39 it is considered the claim is rejected for the same reason as set forth in claim 15.

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Regarding claims 3,13,17,27,31,41 Adamany et al teaches wherein the telemetry message is a registration notification message and the telemetry message (para # 0038, 42-43 and see claim 1).

Regarding claims 5-7,19-21,33-35 further, Aravamudan et al teaches wherein the instant messaging database is maintained by an instant messaging partner (col. 4, lines 30-45, col. 6, lines 10-65, see claim 1).

Regarding claims 8,9,22,23,36,37 further Aravamudan et al teaches wherein the one or more relevant buddies comprise buddies on the first cellular phone's buddy list and wherein the one or more relevant buddies comprise computers connected to the Internet (col. 6, lines 10-65, see above).

Regarding claims 10,24 further, Aravamudan et al teaches utilizing a short message service to deliver text messages using the cellular phone (col. 6, lines 10-65, see claim 1).

Regarding claims 43,45,47,49,51,53 Aravamudan et al wherein the remote feature activation message comprise data encoded in a dialed digits field of a message (col. 6, lines 10-65, see above).

Regarding claims 61-66 Adamany et al teaches transmitting, from the first cellular phone to the foreign cellular network, a second telemetry message, wherein the second telemetry message comprises a standard registration message that will be forwarded by the foreign cellular network to the home cellular network (para # 0038, 42-43).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER